

1 ETHAN P. DAVIS
2 Acting Assistant Attorney General
3 JEFFREY S. ROBINS
4 Deputy Director
5 SARAH B. FABIAN
6 NICOLE N. MURLEY
7 Senior Litigation Counsel
8 U.S. Department of Justice
9 Office of Immigration Litigation
10 PO Box 868, Ben Franklin Station
11 Washington, D.C. 20044
12 Nicole.Murley@usdoj.gov
13 Telephone: (202) 616-0473
14 Fax: (202) 616-8962
15 Attorneys for Defendants

16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Ms. J.P., et al.,

Plaintiffs,

v.

WILLIAM P. BARR, et al.,

Defendants.

Case No. 2:18-cv-06081-JAK-SK

DEFENDANTS' STATUS REPORT

On March 24, 2020, the Court granted the parties' stipulation staying this litigation, including all pending deadlines and any pending discovery until January 10, 2021. ECF No. 298. On May 22, 2020, Defendants submitted a status report providing an update on Defendants' progress in providing the injunctive relief to class members. ECF No. 299. On June 23, 2020, the Court directed Defendants to file a further status report on or before July 21, 2020. ECF No. 300. Defendants submit this status report in accordance with the Court's instruction.

I. Update on Relief Provided to the Custody Subclass

As of July 14, 2020, there were a total of 13 potential Custody Subclass members in Immigration and Customs Enforcement (ICE) custody, including previously identified potential Custody Subclass members.¹ Since the May 22 Status report, ICE has identified an additional 7 potential Custody Subclass members. ICE Enforcement and Removal Operations (ERO) had personally served notices on 6 of the 13 potential Custody Subclass members. *See* ECF No. 299. ICE is in the process of personally serving notices on the additional 7 potential Custody Subclass members that have been identified. *See* Declaration Captain Indira Harris attached hereto as Defs.’ Ex. A. ERO has also publicly posted notices in certain detention facilities, where the detained subclass members are located. *See* ECF No. 299. As of this date, mental health evaluations have been completed for 6 potential Custody Subclass members. *See* Defs.’ Ex. A. A mental health evaluation will be completed for 7 of the Custody Subclass members. ICE anticipates that these mental health evaluations may be completed within two to three weeks.

II. Update on Relief Provided to the Released Subclass

On March 11, 2020, the Department of Health and Human Services (HHS) entered into a contract with Seneca Family of Agencies (“Seneca”) to implement the preliminary injunction as to the Released Subclass. Under the contract, Seneca locates class members within the United States, notifies them of the availability of mental health assessment and treatment for themselves and their families, and determines their interest in seeking services. Seneca then coordinates referrals to no or low-cost mental health providers who receive federal grant funding from, or are supported or designated by, the Substance Abuse and Mental Health Services Administration (“SAMHSA”) or the Health Resources and Services Administration (“HRSA”) of

¹ Defendants provided Class Counsel with the updated/operative class list prior to the filing of the status report.

1 HHS, as well as to community-based mental health organizations. On May 29, 2020,
2 Seneca requested an extension of the contract, which is currently under review.

3 On July 20, 2020, Seneca submitted a progress report to HHS, attached hereto
4 as Defs.' Ex. B., in which Seneca summarized the efforts it has undertaken to assist
5 class members obtaining the court-ordered services. As the report indicates, Seneca
6 has provided 2,097 class members with notices by first-class mail, in both English and
7 Spanish. Seneca has spoken telephonically with 257 Released Subclass members, 150
8 of whom have requested mental health services, 30 are undecided, and 71 have
9 declined services. *See* Defs.' Ex. B.

10 In the May 22 Status Report, Defendants explained Seneca had yet to notify
11 221 Released Subclass members for whom there was no physical mailing address
12 because these class members were either released to non-profit organizations serving
13 the immigrant community or reunited at a DHS detention facility. Since that time, the
14 government ran a search through its system of records and has provided Seneca with
15 updated contact information for most of these class members (who have now received
16 written notices).

17 As of today, Seneca lacks mailing addresses for only 28 class members, but
18 Seneca is in the process of conducting additional direct outreach to the non-profit
19 community and searching publicly available sources to locate these families.

20
21 Dated: July 21, 2020

ETHAN P. DAVIS
Acting Assistant Attorney General

22
23 JEFFREY S. ROBINS
Deputy Director

24
25 SARAH B. FABIAN
Senior Litigation Counsel

26
27 /s/ Nicole N. Murley
28 NICOLE N. MURLEY

1 Senior Litigation Counsel
2 Department of Justice
3 Civil Division
4 Office of Immigration Litigation
5 District Court Section
6 P.O. Box 868
7 Washington, D.C. 20044
8 Tel: (202) 616-0473
9 Email: Nicole.Murley@usdoj.gov

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Attorneys for Defendants

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Nicole N. Murley, am a citizen of the United States and am at least eighteen years of age. My business address is 450 Fifth Street, NW, Washington, DC 20001. I have caused service of the Status Report on all counsel of record, by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice. I also served Plaintiffs' counsel by electronic mail. I declare under penalty of perjury that the foregoing is true and correct.

DATED: July 21, 2020

/s/ Nicole N. Murley
NICOLE N. MURLEY